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EXAMINER	
LAZARO, DAVID R	

ART UNIT	PAPER NUMBER
2155	

NOTIFICATION DATE	DELIVERY MODE
12/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/727,182

Applicant(s)

MACHE ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 09/24/2007.
2. Claims 1-21 are pending in this office action.

Response to Amendment

3. Applicant's arguments filed 09/24/2007 have been fully considered but they are not persuasive. See Response to Arguments. Accordingly, the grounds of rejection presented in the 06/22/2007 office action are respectfully maintained and this action is made final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,740,230 by Vaudreuil (Vaudreuil) in view of U.S. Patent 5,958,005 by Thorne et al. (Thorne) and U.S. Patent 6,711,608 by Ogilvie (Ogilvie).
6. With respect to Claim 1, Vaudreuil teaches a system for transmitting messages over a multimedia network from a sending client to a target client, the messages comprising target client information (Col. 1 lines 52-58), the system comprising:

a plurality of message gateways (Col. 7 lines 52-65), each message gateway being configured to receive and transmit over at least one dedicated transfer medium (Col. 7 lines 54-59 and Col. 3 line 66 – Col. 4 line 20), and

a message broker (Col. 7 line 65 – Col. 8 line 1; note the examiner is interpreting the 'remainder of the software system' on the hub to be the message broker) connected to the message gateways (Col. 7 line 65- Col. 8 line 1) and being provided with a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65),

wherein a first message gateway receives a message in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client over a first transfer medium (Col. 10 lines 37-41 and Col. 12 lines 21-36) and transmits the message and/or an information extracted thereof to the message broker, the message broker automatically selects an appropriate second transfer medium depending on the content of the client database and the supplied message and/or an information extracted thereof (Col. 15 lines 13-20 and Col. 19 lines 49-56), and the message is sent in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client by means of a second message gateway configured for a transmission over the second transfer medium selected by the message broker (Col. 6 lines 46-65), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose the meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count indicating the current number of times the message has been read and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12 and see Fig. 5B-560,562). While at least the maximum read count value of Thorne is included in the message (See Fig. 4, message header with "Display Times"), it is not explicitly stated in Thorne whether the secure read count value is in the message. The examiner notes that Fig. 5B, 560, refers to a "Message Read Field" which would imply a header field. Additionally note Col. 8, lines 28-34, which describes the intention of the invention is to insert into the message "packet header flags to cause each recipient computer or processor to respond to the commands created by completion of the template" (the template includes limiting the display times). The independent claims of Thorne also provide similar insight, stating, "populating said header with address data and processing instruction data" and "processing said data message in said second processing device responsive to said processing instruction data". Additionally, Thorne does not provide any other suggestion as to where the read count value would be stored.

Based on this evidence, it would seem that the secure read count value of Thorne is intended to be included with the message. However, as it is not made explicitly clear, Ogilvie is also cited. Ogilvie teaches a system for enhancing the

security of a message through the use of information associated with the message. The information provides for security enhancements such as automatic message self-removal and limiting the display time of a message (Col. 6 lines 7-19). This information can either be solely embedded in the message or in combination with other software/hardware (Col. 5 line 43 - Col. 6 line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Vaudreuil and modify it as indicated by Thorne and Ogilvie such that messages includes meta information containing a plurality of different fields, said meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this, as there is need for securing and controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne)(Col. 1 lines 27-41 of Ogilvie).

7. With respect to Claim 2, Vaudreuil further teaches wherein a common internal message format is used for the communication respectively between the message broker and the message gateways (Col. 6 line 65 – Col. 7 line 9 and Col. 13 lines 2-15 and Col. 19 lines 36-48 of Vaudreuil)

8. With respect to Claim 3, Vaudreuil further teaches the message gateways are distributed over the network (See Fig. 1 of Vaudreuil – note gateways are part of the hub functionality).

9. With respect to Claim 4, Vaudreuil further teaches the transfer media comprise analog and digital transfer media (Col. 7 lines 49-60 of Vaudreuil).

10. With respect to Claim 5, Vaudreuil further teaches at least one message processor provided between the first and the second message gateway for further processing the content of the message to be transmitted (Col. 19 line 66 – Col. 20 line 8 of Vaudreuil).

11. With respect to Claim 6, Vaudreuil further teaches the client database comprises addresses of clients (Col. 21 lines 41-46), client preferences (Col. 20 lines 9-11) and/or characteristics of the transfer network to the corresponding target client (Col. 20 lines 11-12 of Vaudreuil).

12. With respect to Claim 7, Vaudreuil further teaches the message broker is designed to furthermore perform processing control (Col. 8 lines 22-65 of Vaudreuil) and/or security processing (Col. 28 lines 63-67 of Vaudreuil).

13. With respect to Claim 8, Vaudreuil further teaches the message broker is designed to furthermore perform accounting and/or billing (Col. 9 lines 61-65 of Vaudreuil).

14. With respect to Claim 9, Vaudreuil further teaches a plurality of message brokers is provided (See Fig. 1 of Vaudreuil – note message brokers are a part of hub functionality).

15. With respect to Claim 10, Vaudreuil in view of Thorne teaches all the limitations of Claim 9 and further teaches at least one message broker being connected with a client database with reduced capacity (Col. 7 lines 61-65 and Col. 8 lines 65-67 of Vaudreuil).

16. With respect to Claim 11, Vaudreuil in view of Thorne teaches all the limitations of Claim 1 and further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

17. With respect to Claim 12, Vaudreuil teaches a message broker unit for a distributed multimedia system, wherein the unit is designed to autonomously select an appropriate transfer medium out of a plurality of transfer media for messages received in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client and to be transferred to a target client (Col. 4 lines 46-49 and Col. 19 lines 49-57) in a second format (Col. 19 line 20 - Col. 20 line 21), wherein the message broker (Col. 6 lines 46-48) is connected to a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the transfer medium selection is performed depending on target client information and the content of the client database (Col. 20 lines 9-12 and Col. 6 lines 55-59), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose the meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count indicating the current number of times the message has been read and a maximum

read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12 and see Fig. 5B-560,562). While at least the maximum read count value of Thorne is included in the message (See Fig. 4, message header with "Display Times"), it is not explicitly stated in Thorne whether the secure read count value is in the message. The examiner notes that Fig. 5B, 560, refers to a "Message Read Field" which would imply a header field. Additionally note Col. 8, lines 28-34, which describes the intention of the invention is to insert into the message "packet header flags to cause each recipient computer or processor to respond to the commands created by completion of the template" (the template includes limiting the display times). The independent claims of Thorne also provide similar insight, stating, "populating said header with address data and processing instruction data" and "processing said data message in said second processing device responsive to said processing instruction data". Additionally, Thorne does not provide any other suggestion as to where the read count value would be stored.

Based on this evidence, it would seem that the secure read count value of Thorne is intended to be included with the message. However, as it is not made explicitly clear, Ogilvie is also cited. Ogilvie teaches a system for enhancing the security of a message through the use of information associated with the message. The information provides for security enhancements such as automatic message self-removal and limiting the display time of a message (Col. 6 lines 7-19). This information can either be solely embedded in the message or in combination with other software/hardware (Col. 5 line 43 - Col. 6 line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the message broker unit disclosed by Vaudreuil and modify it as indicated by Thorne and Ogilvie such that messages includes meta information containing a plurality of different fields, said meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this, as there is need for securing and controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne)(Col. 1 lines 27-41 of Ogilvie).

18. With respect to Claim 13, Vaudreuil further teaches the transfer medium selection is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil)

19. With respect to Claim 14, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

20. With respect to Claim 15, Vaudreuil teaches a method for sending messages over a multimedia network from a sending client to a target client, the message comprising target client information (Col. 1 lines 52-58), the method comprising the following steps:

transmitting the message in a first format (Col. 19 line 20 - Col. 20 line 21) from the sending client to a message broker (1) over a first transfer medium (Col. 6 lines 46-48), and

transmitting the message in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client over a second transfer medium, wherein the second transfer medium can be identical to the first transfer medium (Col. 5 lines 60-66),

wherein the message broker selects an appropriate second transfer medium out of a plurality of transfer media depending on the content of a client database (Col. 19 lines 49-56) connected to the message broker (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the target client information (Col. 19 lines 49-56 and Col. 20 lines 9-12), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose the meta information including a secure read count value indicating the current number of times the message has been read and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count indicating the current number of times the message has been read and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12 and see Fig. 5B-560,562). While at least the maximum read count value of Thorne is included in the message (See Fig. 4, message header with "Display Times"), it is not explicitly stated in Thorne whether the secure read count value is in the message. The examiner notes that Fig. 5B, 560, refers to a "Message Read Field"

which would imply a header field. Additionally note Col. 8, lines 28-34, which describes the intention of the invention is to insert into the message "packet header flags to cause each recipient computer or processor to respond to the commands created by completion of the template" (the template includes limiting the display times). The independent claims of Thorne also provide similar insight, stating, "populating said header with address data and processing instruction data" and "processing said data message in said second processing device responsive to said processing instruction data". Additionally, Thorne does not provide any other suggestion as to where the read count value would be stored.

Based on this evidence, it would seem that the secure read count value of Thorne is intended to be included with the message. However, as it is not made explicitly clear, Ogilvie is also cited. Ogilvie teaches a system for enhancing the security of a message through the use of information associated with the message. The information provides for security enhancements such as automatic message self-removal and limiting the display time of a message (Col. 6 lines 7-19). This information can either be solely embedded in the message or in combination with other software/hardware (Col. 5 line 43 - Col. 6 line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil and modify it as indicated by Thorne and Ogilvie such that messages includes meta information containing a plurality of different fields, said meta information including a secure read count value indicating the current number of times the message has been read and a

maximum read count value limiting the maximum reads of the message. One would be motivated to have this, as there is need for securing and controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne)(Col. 1 lines 27-41 of Ogilvie).

21. With respect to Claim 16, Vaudreuil further teaches the transmission of the message from the sending client to the target client is performed essentially in real-time (Col. 24 line 63 – Col. 25 line 3 of Vaudreuil).

22. With respect to Claim 17, Vaudreuil further teaches a conversion from the first transfer medium to the second transfer medium is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil).

23. With respect to Claim 18, Vaudreuil further teaches before the transmission to the target client, the content of the message is further processed by digital signing, encryption, watermarking and/or translation (Col. 32 lines 57-64 and Col. 28 lines 63-67 of Vaudreuil).

24. With respect to Claim 20, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

25. With respect to Claim 21, Vaudreuil further teaches that when loaded into a computer, it implements a method according to Claim 15 (Col. 7 lines 47-49 of Vaudreuil and Please refer to Claim 15 rejection).

26. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudreuil in view of Thorne as applied to claim 15 above, and further in view of U.S. Patent 6,163,796 by Yokomizo (Yokomizo).

27. With respect to claim 19, Vaudreuil in view of Thorne and Ogilvie teaches all the limitations of Claim 15 but does not explicitly disclose a lifetime is attributed to each message and transmitting the message only during that lifetime. Yokomizo teaches a message can have a lifetime attributed to it (Col. 6 lines 4-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil in view of Thorne and Ogilvie and modify it as indicated by Yokomizo such that a lifetime is attributed to each message and the message is only transmitted until the expiration of the lifetime. One would be motivated to have this as this provides better efficiency in the messaging system (Col. 2 lines 5-9 of Yokomizo).

Response to Arguments

28. Applicant's arguments filed 09/24/2007 have been fully considered but they are not persuasive.

29. Applicant argues on page 3 - *"However, the cited portions of Thorne only describe a message read times counter is incremented each time the message is read. It is respectfully submitted that the message read times count of Thorne is not "a secure read count value."*

a. Examiner's response - The claimed limitation reads " a secure read count value indicating **the current number of times the message has been read**".

The examiner does not see how "a message read times counter" which is "**incremented each time the message is read**" would not read on a secure read count value. Applicant's arguments are not persuasive.

30. Applicant argues on page 3 - *"It is noted that the only two bases for citation of a reference for a feature are (1) that the reference explicitly teaches the subject matter, or (2) that the reference inherently teaches the subject matter."*

b. Examiner's response - MPEP 2112 states, "The express, **implicit**, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103." (emphasis added). As such, the examiner is allowed to rely upon implicit teachings of a prior art reference in making a 35 USC 103 rejection.

c. In relying on the implicit teachings of Thorne, the examiner is attempting to show how one of ordinary skill in the art would most likely interpret the disclosure of Thorne based on the contextual information that one can discern from the factual evidence cited from Thorne.

d. The rejection also gives consideration though, to the fact that an explicit disclosure is lacking. Therefore, the Ogilvie reference is cited as well to further show that if one does not consider the implicit teachings of Thorne to be within the scope of the claimed limitations at issue, then the limitations are at least

obvious when also considering Ogilvie. The implicit teachings of Thorne also provide in part, logical support for suggesting the combination of references.

e. The examiner notes many of the remaining arguments on pages 3-5 are based on applicant's view that the examiner was relying on an inherent or explicit teaching from Thorne. However, this is not the case and as such, the arguments are not persuasive.

31. Applicant argues on pages 5-7 - *"Without providing any other information or argument, the outstanding Office Action then asserts that it would have been obvious to a skilled person to take the system disclosed by Vaudreuil and modify it as indicated by Thorne and Ogilvie such that messages include a secure read count value, since there is need for securing and controlling the circulation and usage of messages as is indicated by Thorne and Ogilvie. As a matter of fact, Ogilvie does not explicitly disclose a secure read count value as recited in Claim 1 - whether included in the message or not. Moreover, a "secure read count value" is not inherently described by Ogilvie either."*

f. Examiner's response - Ogilvie was not cited to teach the "secure read count value" as Thorne already teaches this subject matter. Ogilvie was cited for teachings related to enhancing the security of a message through the additional use of associated information. This is similar to Thorne, as Thorne also enhances the security of a message through the use of associated information.

g. However, as noted by the analysis, Thorne is potentially lacking (based on whether one agrees with the implicit teachings) in showing that the information, in the form of "a secure read count value", is included with the message. In Ogilvie,

the information that enhances the security of the message is shown to be either solely embedded in the message or in combination with other software/hardware. Considering such a teaching in combination with Thorne, it would be obvious that Thorne could also either embed the associated information (i.e. secure read count) solely in the message or in some combination of software and hardware.

h. Both Thorne and Ogilvie are directed towards the problem of securing and controlling the circulation of email and the desire to improve upon such a problem. As such, there is sufficient suggestion/motivation for making the combination. Applicant's arguments are not persuasive.

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
December 4, 2007



PHILIP TRAN
PRIMARY EXAMINER